

<u>Location:</u>	Land On The North Side Of Pirton Road Holwell Hertfordshire SG5 3SN
<u>Applicant:</u>	Andrew Davidson
<u>Proposal:</u>	Erection of six dwellings with associated access, landscaping and parking (as amended by plans received 06/02/24 and 15/02/24)
<u>Ref. No:</u>	22/01687/FP
<u>Officer:</u>	Andrew Hunter

Date of expiry of statutory period:

1 December 2023

Reason for delay and Extension of statutory period:

Negotiations with the applicant, re-consultation following amended plans, and Committee cycles. Extension of time agreed to 21 June 2024.

Reason for referral to Committee:

The application has been called in by Cllr Louise Peace if minded to approve and for the following reasons:

The parish council believes the proposed site is outside the village boundary.

Highways issues / dangerous access

Style of houses is not in keeping with the surrounding properties.

Not enough parking.

Stress on already at-capacity sewage.

BNG.

1.0 **Site History**

1.1 None.

2.0 **Policies**

2.1 **North Hertfordshire District Local Plan 2011-2031**

Policies:

SP1 – Sustainable development in North Hertfordshire
SP2 – Settlement Hierarchy and Spatial Distribution
SP6 – Sustainable transport
SP7 – Infrastructure requirements and developer contributions
SP8 - Housing
SP9 – Design and sustainability
SP11 – Natural resources and sustainability
SP12 – Green infrastructure, landscape and biodiversity
SP13 - Historic environment

T1 – Assessment of transport matters
T2 – Parking
HS1 – Local Housing Allocations
HS2 – Affordable Housing
HS3 – Housing mix
D1 – Sustainable Design
D3 – Protecting Living Conditions
D4 – Air quality
NE2 – Landscape
NE4 - Biodiversity and geological sites
NE6 - New and improved open space
HE1 - Designated heritage assets
HE4 - Archaeology

2.2 **National Planning Policy Framework**

Chapter 5 – Delivering a sufficient supply of homes
Chapter 9 – Promoting sustainable transport
Chapter 11 – Making effective use of land
Chapter 12 – Achieving well-designed places
Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
Chapter 15 – Conserving and enhancing the natural environment
Chapter 16 – Conserving and enhancing the historic environment

3.0 **Representations**

3.1 **Neighbouring Properties:**

One objection has been received from Old Church House on the following grounds:

- Does not vary significantly from the original. Little reduction in density from previous 9 dwellings.
- There are large numbers of houses of this type in the Holwell area.
- Does not satisfy the demand for affordable housing.
- Addresses very few of previous concerns from residents and consultees.
- Car ports overshadowing the western aspect of Old Church House.

Fifteen objections were received, to previous plans for nine dwellings, on the following grounds:

- Number of dwellings seems excessive for the plot.
- Relatively large houses. Out of character.
- Significant negative visual impact.
- The rationale relies heavily on the previous use of the site as agricultural land in the last century. The current built core would be extended to the north-west.
- Bin stores, bike stores and fence lines are not well defined. Locations of heat source pumps are unclear.
- Location and proposed access are a concern.
- The plot is on a tight bend.
- Lack of detail of the access with no visibility splay.
- Additional traffic.
- Increased parking.
- Loss of parking in entrance area to field.
- Reliant on private cars.
- Access for construction would cause significant traffic problems.
- Setting and privacy of Old Church House (neighbouring listed building) would not be maintained. Overbearing and overlooking.
- Close proximity to Grade I listed church and potential archaeological damage.
- Concrete surfaces with no green spaces or trees.
- Habitat for wildlife and impacts on ecology.
- A pond near the site would be affected.
- Likely have an impact on existing infrastructure, notably sewers.
- Holwell can't cater for additional load on local services.
- The development won't make any contribution to infrastructure.
- Highly unlikely to be affordable housing. Would much prefer starter homes.
- Struggle to find any positives.
- No contamination assessment provided.
- Potential for structural damage to nearby buildings.
- Infringes covenant that states that Church Farm should have full and clear visibility of St Peter's Church at all times.
- Flooding from pond that could be affected by building works.
- Amended plans do not address concerns raised.

3.2 **Holwell Parish Council:**

Comments March 2024 (for present 6 dwelling scheme)

Holwell Parish Council continue to object to this planning application for the following reasons:

We believe the proposed site is outside of the village boundary.

The exit of the development is on a blind corner, on a sometimes busy road with cars, buses and farm vehicles, making it a danger.

The proposed development has dark cladding, on the properties, which is not in keeping with the village aesthetics.

There are not many proposed allocated parking spaces and the roads surrounding the development are already at full capacity.

We already know that the sewage system in Holwell is at capacity and a further development of six properties would make the situation worse.

There is a lot of wildlife on and around the proposed site and the development would have an adverse effect on the nature.

For these reasons, Holwell Parish Council object to the planning application.

Comments July 2022 (for original 9 dwelling plans)

Holwell Parish Council strongly object to this application for the following reasons;

The proposed development is outside the built boundary of the village, which would have an adverse effect on the village and permission could set a precedent for future developments in villages.

It is close to listed residential buildings and a Grade 1 listed church, possibly causing structural damage to them.

The proposed site is on a dangerous bend in the village with parked cars already an issue at times when large vehicles are going through the village. The access to and from the site is not safe as visibility around the bend could be hazardous.

There are 3 working farms in the village who use the road regularly with large farm vehicles and at times get stuck around the location of the bend with the issue of parked cars.

The proposed development is not affordable housing for first time buyers or families on a low income.

The sewage plant at Holwell is already at capacity and there are regular back of drains throughout the village.

Holwell is an unsustainable village with no shops, school, public services etc. The buses run infrequently so residents need to use cars and with the proposed development of 9, 4-bedroom houses that is possibly adding another 18 or more cars to a village which already has parking and traffic issues.

No garages, sheds or bin stores are visible in the plans. There is little in the way of gardens to enhance the visual aspect of the development.

The development would have a huge impact on wildlife. The site is currently a feeding ground for bats and owls who are regularly seen and the owls are successfully breeding. Lighting, noise and disruption of a building site and development would likely change this dramatically.

Many residents from the village are opposed to the development and Holwell Parish Council are representing their views with this objection. It is an ugly, overdevelopment of a small site which would not enhance our village in any way.

3.3 **Statutory Consultees:**

3.4 Hertfordshire County Council Growth and Infrastructure - Planning obligations should only be sought for residential developments that are major development, which is defined in the National Planning Policy Framework as development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more and the number of dwellings is unknown. Therefore, we will not be seeking financial contributions.

3.5 Waste Officer – No objections.

3.6 Environmental Health (Noise/Land Contamination/Air Quality) – No objections.

3.7 Housing Supply Officer - In my opinion the site is within the built core of the village and following adoption of the current Local Plan the proposals for the provision of nine dwellings and the reduced number of six dwellings does not meet the threshold for affordable housing in accordance with Policy HS2: Affordable housing.

3.8 Hertfordshire County Council highways officer – Recommends that permission be refused for the following reasons:

The amendments include car ports as shown on drawing OAK PL-01. Manual for Streets 8.3.41 recommends a minimum size of 6 x 3 meters. The carports therefore, should 6 x 6 meters internal dimensions.

(See Appendix 1 for full text and previous responses).

3.9 Lead Local Flood Authority - This application does not meet the threshold requirements for the LLFA to respond, as there is no known local flood risk to this proposed development and it is a minor application.

3.10 Conservation Officer – Whilst not wishing to delay the determination of this application, the matters raised above regarding Plots 1 & 2 and open space are important and that, if taken on board, would potentially enhance the scheme's character and identity. Await feedback and subject to the suggested conditions, I am likely to raise **NO OBJECTION** on the basis that the development would satisfy the provisions of Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and would satisfy the aims of Section 16 of the NPPF and Policy HE1 of the North Hertfordshire Local Plan 2011 - 2031.

(See Appendix 1 for full text).

3.11 County Council Archaeology – No objections subject to conditions.

(See Appendix 1 for full text).

3.12 Hertfordshire Ecology – Ecological report provides sufficient information for determination.

(See Appendix 1 for full text).

3.13 Herts and Middlesex Wildlife Trust - Objection: Biodiversity net gain not assessed, no buffers to adjoining hedges, in conflict with the recently approved local plan.

3.14 North Herts Archaeological Society - The Society OBJECTS to this planning application.

The site is located within a defined Archaeological Area and yet the applicant has not submitted a Desk-based Archaeological Assessment, contrary to NHDC planning policies. We note that NHDC has consulted its archaeological advisers at HCC Historic Environment.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

4.1.1 The site is largely undeveloped grassland with trees and vegetation on or near its boundaries, with the exception of hardstanding and a vehicular access off Holwell Road in the south-east corner of the site. There are three areas edged in blue adjacent to the site, which contain small trees, vegetation and hedges, and a small pond in the north-western blue edged area.

4.1.2 A public footpath is near the west boundary of the site between trees, with open countryside beyond. Open countryside also extends north of the NW part of the site. To the north, NE and east of the site are three dwellings, with the northern and southern of these dwellings being Grade II listed buildings (Church Farm, and Old Church House, respectively).

4.1.3 To the south of the site is a bend in the road where Holwell Road and Pirton Road meet. Extending west off this bend is an access track that leads to agricultural land. On the other side of this track to the south is a terrace of four two-storey high dwellings, with more dwellings extending further to the south down Pirton Road. South and south-east of the site is Grade II listed St Peter's Church and its grounds including cemetery. East of St Peter's Church and east of Old Church House are dwellings that are mostly two storeys, and a curved terrace of bungalows.

4.1.4 The site, and all of Holwell, is in the Rural Area beyond the Green Belt. Holwell is a Category B village in the Local Plan under Policy SP2.

4.2 **Proposal**

4.2.1 Planning permission is sought for the development of the site to residential, with 6 dwellings proposed. These would be two storeys with pitched roofs sited to the rear of the site, arranged as two detached dwellings and two pairs of semi-detached dwellings. Plots 1 to 4 would have four bedrooms, and plots 5 and 6 would have three bedrooms.

4.2.2 Vehicular access would be via the existing field access on Holwell Road, which would also be widened. Each dwelling would have two parking spaces, with spaces for two of the dwellings under a car port with a pitched roof. Two visitor spaces would be on near the car port. Other hard and soft landscaping is also proposed, with each dwelling having its own private garden. Excluding the access road, the southern third of the site would remain undeveloped.

4.3 **Key Issues**

4.3.1 The key issues for consideration are as follows:

- The acceptability of the principle of the proposed works in this location.
- The acceptability of the design of the proposed development and its resultant impact on the character and appearance of the area including heritage assets.
- Whether the proposal would provide an acceptable standard of accommodation for future occupiers of the dwellings.
- The impact that the proposed development would have on the living conditions of neighbouring properties.
- The impact that the proposed development would have on car parking provision and the public highway in the area.
- The quality of landscaping proposed and the impact the proposed development would have on trees.
- The impact that the proposed development would have on ecology and protected species.
- The impact of the proposal on drainage and flood risk.
- The impact of the proposal on archaeological assets.
- The requirement for planning obligations.

Principle of Development:

4.3.2 In the adopted Local Plan, the site is in the Rural Area beyond the Green Belt (RA). Holwell is identified as a Category B village by Policy SP2 of the Local Plan. Such villages do not have defined village boundaries, unlike Category A villages. Local Plan Policy SP2 states that infilling development which does not extend the built core of the village will be allowed in Category B villages. Policy CGB1 sets out criteria as to when development will be acceptable in principle in the RA, with a) referring to infilling development as specified by Policy SP2. The key question is whether the proposed development would comply with SP2.

4.3.3 The Local Plan defines infill development as:

The development of a relatively small gap between existing buildings.

There are buildings to the south, east and north-east, but not to the west and north-west. It is considered that the site is mainly viewed and read from Pirton Road and Holwell Road when in this part of Holwell, where the site is open and undeveloped east of Old Church House (which also includes the land edged in blue).

4.3.4 There is another dwelling to the south of the site, No. 10 Pirton Road, separated from the site by an access track to agricultural land to the west and trees/vegetation on the north side of the track. The site is on the outside at a near 90-degree corner where Pirton Road and Holwell Road meet. It is considered that the site appears as a gap between No. 10

and Old Church House when taking the shape of this part of the road into account and appears as a gap between buildings when taking into consideration the locations of the closest buildings. For these reasons, it is considered that the proposal is infilling development.

- 4.3.5 The proposed development should also not extend the built core of Holwell. It is considered that the site is within the central area of Holwell as development is nearby in numerous directions and it is accessed off the main through-road. The proposed dwellings would not extend further west than No. 10 Pirton Road, would be to the south of Church Farm, and would not extend into the wider countryside as the development would be separated from it by a footpath and a pond to the north-west. The proposal is considered acceptable in principle and would comply with Policies SP2 and CGB1 of the Local Plan.

Character and appearance:

- 4.3.6 The site is in central Holwell and would be accessed from the main road that goes through it, and as Policy SP2 allows some development in Category B villages, it is considered that the location of the development would be sustainable.
- 4.3.7 The site is part of an undeveloped open gap, and with the retention of front boundary vegetation it would make a positive contribution to this part of Holwell and the locality. The proposal would further develop this part of Holwell. However, as the dwellings would be to the rear of the site behind trees and vegetation, views of the dwellings would be substantially obscured from public vantage points. In addition, the scheme has been redesigned to improve their appearance and better reflect the semi-rural context of the site and the nearby dwellings off Gurney's Lane to the east.
- 4.3.8 The site is approx. 0.33 ha, which with the 6 dwellings proposed would equate to the proposed development being 18.1 dwellings per hectare in density. This density is higher than dwellings on Gurney's Lane to the east and north, which are on larger plots. The density would also be higher than most dwellings to the south, although it would be comparable or less than other nearby dwellings such as Rand's Close to the east and St Peter's Green to the south.
- 4.3.9 The proposed density and number of dwellings proposed are not considered detrimental to the character and appearance of this part of Holwell, also taking into account the distance of the dwellings from the road to the south and intervening vegetation. The proposed internal layout would not appear dominated by parking and hardstanding and would be integrated into soft landscaping and planting, which would be in keeping with the undeveloped character of the site and this part of Holwell.
- 4.3.10 The sizes, designs and external materials of the individual dwellings are considered acceptable. Each dwelling would have acceptable refuse storage that would not appear cluttered within the site.
- 4.3.11 On the basis of the advice from the Council's Conservation Officer who raised no objections to the original 9 dwelling proposal, the proposed development of 6 dwellings is not considered harmful to the setting and significance of the three nearby listed buildings (as such impacts are required to be assessed by paragraph 205 of Section 16 of the NPPF). The layout and design of the development is considered acceptable. The

proposal complies with Policies SP9, SP13, D1 and HE1 of the Local Plan, and Sections 12 and 16 of the NPPF.

Impacts on Neighbouring Properties:

- 4.3.12 The closest dwelling to the south is No. 10 Pirton Road. The closest proposed dwelling to No. 10 would be approx. 33.6m away with trees and vegetation between, which is considered sufficient to not cause loss of amenity. The proposed development is not considered harmful to the amenity of No. 10 Pirton Road and other dwellings to the south.
- 4.3.13 The three closest dwellings are to the east, are Church Farm, The Stables, and Old Church House. Of the proposed dwellings, plots 1 and 2 would be sited sufficiently far from these three dwellings that they would not cause overbearing impacts, loss of light or privacy.
- 4.3.14 Plots 3 and 4 would be on the far side of the site and would not cause overbearing impacts and loss of light to the dwellings to the east. The closest distance to the boundary with Church Farm of those plots would be approx. 10.1m, which is not considered excessively short and is acceptable. Continuing with Church Farm, the other proposed dwellings would be the same distance from its boundary and at least 30m from the dwelling itself, which is sufficient to avoid overbearing impacts, loss of light and privacy. The car port building will not affect the amenity of Church Farm.
- 4.3.15 The dwelling known as The Stables is to the south of Church Farm. Of the proposed development, only Plot 6 could potentially affect it. Plot 6 would be approx. 27.7m from the rear of The Stables, which is considered sufficiently far to avoid loss of amenity to any main habitable rooms. Plot 6 would be approx. 3.8m from the rear garden boundary of The Stables. However, this would not cause loss of privacy as no first floor side windows are proposed. Plot 6 would be visible from the rear garden of The Stables, however it is not considered that it would appear overbearing or cause loss of light as it would be set off the boundary, obscured by 3m high vegetation, and sited near the south-west rear corner of the garden which is wide. Impacts on the amenity of The Stables are considered acceptable.
- 4.3.16 Old Church House (OCH) is the remaining closest dwelling to the proposed development. Only Plot 6 and the car port have the potential to cause loss of amenity to OCH, as the other dwellings proposed would be sited sufficiently far away. Plot 6 itself would be approx. 12.1m from the boundary with OCH, and 13.3m from the dwelling of OCH, which is considered sufficiently far to not cause overbearing impacts and loss of light and would also benefit from being obscured to some extent by vegetation up to 3m high. No loss of privacy would occur as no side openings are proposed, and the front openings would primarily provide views of the site.
- 4.3.17 The car port building would be more visible than the main dwelling. The building would be approx. 8.9m from the boundary with OCH, which is not considered harmful due to its small size and screening from vegetation. It is not considered that loss of amenity would be caused to OCH or any other dwellings.
- 4.3.18 Regarding the objections received, many have been addressed elsewhere in this report. Impacts on sewerage are not material considerations for the application. Each dwelling would have its own private garden. New trees can be required by condition. A contaminated land assessment was not required to be submitted with the application.

However, this matter can be controlled by condition if permission is granted. The development would be sufficiently far from the closest buildings to avoid causing structural impacts, and in any case any damage that could be caused would be a civil matter to be resolved between the relevant parties. The existence of any restrictive covenants are not material planning considerations. Construction work would be sufficiently far from the nearby pond to be affected. The proposal complies with Policy D3 of the Local Plan.

Amenity of Future Occupiers:

- 4.3.19 Paragraph 135 (f) of the NPPF states that “*decisions should ensure that developments... create places that are safe, inclusive and accessible and which promote health and wellbeing, with a high standard of amenity of future and existing users*”. Paragraph 135 (f) is largely reflected in Policies SP9 and D1 of the Local Plan.
- 4.3.20 The proposed dwellings would not adversely affect neighbouring land uses, buildings, trees/vegetation, and structures. Their main habitable room windows would receive adequate outlook and light and would meet the nationally described space standards. The rear private gardens of the dwellings would be of an acceptable size and quality.
- 4.3.21 There would be some overlooking of the rear garden of Plot 3 from first floor side windows of Plot 2, and of the rear garden of Plot 1 from first floor front windows of Plot 2. The rooms serving the windows that would cause this overlooking would however serve bathrooms or be secondary and could be required to be obscure glazed by condition if permission was to be granted. Future living conditions are acceptable, and the proposal complies with Policy D1 of the Local Plan.

Highways and Parking:

- 4.3.22 Each dwelling would have more than two bedrooms, and the Council’s parking standards require a minimum of two parking spaces for such dwellings. Each dwelling would have two spaces; therefore, this requirement would be met. Some objections have been received relating to loss of parking at the front of the site, which would be the case if the development went ahead as two cars can be parked in the present vehicular entrance. These are not however formal parking spaces and are largely on the applicant’s land who could restrict access to the hardstanding at the field entrance.
- 4.3.23 One secure covered cycle parking space is required for each dwelling, which are indicated on the proposed site plan. Further details would be required of these by condition if permission was to be granted.
- 4.3.24 For visitor parking, under the parking standards 4.5 spaces should be provided as a minimum (0.75 spaces per dwelling as none would have garages). Two spaces are proposed, therefore there would be a shortfall of three spaces. The Council’s parking standards state that reductions in visitor parking provision will be considered where:

1. *Alternative publicly available off-street parking is available within 2 minutes’ walk of the site;*
2. *Visitor parking arising from small-scale (i.e. infill) development can be accommodated on-street without compromising highway safety, the amenity of existing residents or the ability for businesses to operate; or*

3. Relevant evidence is submitted by the applicant which supports a reduction in standard and considers existing and future car ownership and likely visitor demand.

- 4.3.25 In considering the above, there is no public off-street parking nearby. The shortfall would be three spaces, which would be small and could be accommodated informally within the development if necessary within the site, in the form of tandem parking and parking on wider parts of the access road. Therefore, it is considered that scenario 2 would be complied with. In this case, providing reduced visitor parking can allow for more of the site to be used for soft landscaping and planting, benefitting the overall appearance of the development. Visitor parking is considered acceptable.
- 4.3.26 The County Council highways officer is recommending refusal on the basis of the proposed car port being 6m x 3m internally, not 6m x 6m internally. The internal dimensions of the car port measure 5.8m by 5.3m, however this is considered relevant to the assessment of parking provision required by NHDC rather than by the highway authority. Each parking space in the car port would measure 5.3m by 2.8m, which is considered a sufficient size and is acceptable. There is also an inconsistency with the highways officer comments, in that no objections were raised to car ports of a similar size on 26 April 2023.
- 4.3.27 The highways officer has not objected to the widened access and its impacts on the public highway including the development as a whole, therefore this is considered acceptable. Traffic generation is anticipated to be small and would not therefore adversely affect the capacity of the local highway network. Internal manoeuvrability within the site is acceptable.
- 4.3.28 The highways officer had recommended that a condition be imposed that requires improvements to the St Peters Church bus stop on the west side of Pirton Road through the provision of raised Kassel kerbing providing better access to the waiting area to the front of the stop (in comments of 11 October 2022). This bus stop is to the south of the site, beyond the entrance to St Peter's Green, and would be accessible to potential residents by an existing paved footway leading from the site entrance to the bus stop. The highway response suggests occupants would walk off the road onto pavement where the stop is. However, it is considered most likely that the existing footway would be used to reach the bus stop. This condition is not therefore considered necessary and does not meet the tests required for conditions. The proposal is considered to comply with Policies T1 and T2 of the Local Plan, and Section 9 of the NPPF.

Trees and Landscaping:

- 4.3.29 The site has trees and some smaller vegetation on or near its boundaries, which would not be affected by the proposed development. The interior of the site is grassland with some small shrubs, of which there are no objections to their removal and replacement. The development would be considered to include an acceptable balance of hard and soft landscaping, with soft landscaping between the longer parking areas which would soften the visual impacts of these parking spaces. If permission was to be granted, further details of landscaping would be required by condition. The proposal therefore complies with Policies D1 and NE2 of the Local Plan, and Sections 12 and 15 of the NPPF.

Ecology:

- 4.3.30 An ecological survey was submitted with the application did not find protected species and notable habitats, with Herts Ecology stating that the report concludes the site to be of limited ecological value. The comments from Herts Ecology are given significant weight, with them concluding that the likelihood of an adverse ecological impact is low, but the report suggests reasonable precautionary measures to ensure that legally protected species are not harmed.
- 4.3.31 The most notable habitats are a pond to the north-west (outside the site) which would not be affected by the development; and trees, most of which would be retained (and those not retained would be replaced). The survey also proposes various enhancement measures that would be considered to provide a biodiversity net gain. If permission was to be granted, a condition would require a Landscape and Ecological Management Plan to be submitted and approved to secure all of the proposed biodiversity measures. The proposal is not considered harmful to ecology and should be able to deliver a biodiversity net gain to comply with Policy NE4 of the Local Plan.

Drainage and flood risk

- 4.3.32 The Lead Local Flood Authority (LLFA) have not provided detailed comments for the application as the application is a minor application, and there is no known local flood risk to the development. The majority of the site would be of soft landscaping, and undeveloped areas would also be left around most of the edges of the site, both of which would allow for drainage of surface water. The development is not considered harmful to the pond due to the distance of the proposed dwellings and hardstanding from it, and the development is also on a lower ground level. No concerns have been raised in relation to potential surface water run-off. The proposal complies with Policies NE7 and NE8 of the Local Plan.

Archaeology

- 4.3.33 The site is in an Area of Archaeological Significance identified in the Local Plan. This includes the historic core of the village of Holwell, the 17th century farmstead of Lordship Farm, and other sites, including Church Farm.
- 4.3.34 The County Council Archaeologist (CCA) has provided detailed comments on the proposal, including considering the comments of the North Hertfordshire Archaeological Society. The CCA has stated that the proposed development is such that it should be regarded as likely to have an impact on heritage assets of archaeological interest, requiring appropriate surveys and recording. These can be required to be carried out by planning conditions as recommended by the CCA. The proposal therefore complies with Policy NE4 of the Local Plan and Section 16 of the NPPF.

Planning obligations

- 4.3.35 The proposed development is for 6 dwellings and is therefore under the threshold for affordable housing provision of more than 10 dwellings. The proposal is also minor development, therefore the County Council Growth and Infrastructure Unit are not seeking contributions towards education etc. No other obligations or contributions are being

sought by consultees. Therefore, it is not considered that any planning obligations or contributions can be reasonably sought.

Climate Change Mitigation:

4.3.36 The NPPF supports the transition to a low carbon future and the increased use of renewable energy sources. North Hertfordshire District Council has declared itself a Climate Emergency authority and its recently adopted Council Plan (2020 – 2025) seeks to achieve a Council target of net zero carbon emissions by 2030 and protect the natural and built environment through its planning policies. Local Plan Policy D1 seeks to reduce energy consumption and waste. To assist in achieving these aims, Electric Vehicle Charging points would be required by condition to be installed on each of the proposed new dwellings. The applicant has also stated in their Planning Design and Access Statement that the dwellings would be heated via air source heat pumps and significant insulation would be used, therefore further helping to minimise climate change. If permission was to be granted, further details of the heat pumps would be required by condition.

4.4 Balance and Conclusion

4.4.1 This application was submitted before December 2023. Therefore, under the provisions of the NPPF the exemption from the requirement to identify a 5-year supply of deliverable housing sites does not apply to this application. It is estimated that the current housing supply is about 3.5 years and consequently in this case the tilted balance set out at paragraph 11 (d) of the Framework applies. It is considered that the adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits of providing six new dwellings in a sustainable location, when assessed against the policies of the NPPF as a whole.

4.4.2 Overall, taking all matters into account the proposal complies with the Local Plan and the NPPF as a whole and the application is recommended for approval, subject to conditions.

4.5 Alternative Options

4.5.1 None identified.

4.6 Pre-Commencement Conditions

4.6.1 Not applicable.

5.0 Legal Implications

5.1 In making decisions on applications submitted under the Town and Country Planning legislation, the Council is required to have regard to the provisions of the development plan and to any other material considerations. The decision must be in accordance with the plan unless the material considerations indicate otherwise. Where the decision is to refuse or restrictive conditions are attached, the applicant has a right of appeal against the decision.

6.0 **Recommendation**

6.1 That planning permission be **GRANTED** subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out wholly in accordance with the details specified in the application and supporting approved documents and plans listed above.

Reason: To ensure the development is carried out in accordance with details which form the basis of this grant of permission. To comply with Policy D1 of the Local Plan.

3. Details and/or samples of materials to be used on all external elevations and the roof of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced and the approved details shall be implemented on site.

Reason: To ensure that the development will have an acceptable appearance which does not detract from the appearance and character of the surrounding area and to comply with Policy D1 of the North Hertfordshire Local Plan 2011 to 2031.

4. Prior to the commencement of the approved development, the following landscape details shall be submitted:

a) which, if any, of the existing vegetation is to be removed and which is to be retained

b) what new trees, shrubs, hedges and grassed areas are to be planted, together with the species proposed and the size and density of planting

c) the location and type of any new walls, fences or other means of enclosure; and details of all hard surfacing proposed

d) metrically scaled drawings of the bin stores and cycle stores, showing their sizes, designs, appearance, external dimensions, external materials and finishes.

The development shall then be completed in accordance with the approved details.

Reason: To ensure the submitted details are sufficiently comprehensive to enable proper consideration to be given to the appearance of the completed development and to comply with Policy NE2 of the North Hertfordshire Local Plan 2011 to 2031.

5. The approved details of landscaping shall be carried out before the end of the first planting season following either the first occupation of any of the buildings or the completion of the development; and any trees or plants which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced during the next planting season with others of similar size and species, unless the Local Planning Authority agrees in writing to vary or dispense with this requirement.

Reason: To safeguard and enhance the appearance of the completed development and the visual amenity of the locality, and to comply with Policy NE2 of the North Hertfordshire Local Plan 2011 to 2031.

6. The car port shall be used only for the accommodation of private motor vehicles or for purposes incidental to the dwellings to which they relate and they shall not be used for or in connection with any form of trade, business or commercial activity.

Reason: To safeguard the residential character of the locality, parking provision, and the amenities of residents, both of which would be prejudiced by the activities and visual intrusion likely to be associated with a commercial activity and to comply with Policy D1 and Policy T2 of the North Hertfordshire Local Plan 2011 to 2031.

7. The first floor front elevation and east side elevation windows of the Plot 2 dwelling shall be obscure glazed.

Reason: In the interests of privacy and amenity. To comply with Policy D3 of the Local Plan.

8. Prior to occupation, each of the proposed new dwellings shall incorporate an Electric Vehicle (EV) ready domestic charging point.

Reason: To contribute to the objective of providing a sustainable transport network and to provide the necessary infrastructure to help off-set the adverse impact of the operational phase of the development on local air quality. To comply with Policy D4 of the Local Plan.

9. No development approved by this permission shall take place until the following has been submitted to and approved in writing by the Local Planning Authority:

- A Phase 1 Desk Study report documenting the ground conditions of the site with regard to potential contamination;
- A Phase 2 Site Investigation (where shown as necessary the Phase 1 Desk Study);
- A Phase 3 Remediation Scheme (where shown as necessary by the Phase 2 Site Investigation)

All such work shall be undertaken in accordance with BS:10175:2011 or other appropriate guidance issued by the regulatory authorities. The work shall be sufficient to ensure that measures will be taken to mitigate any risks to human health and the wider environment.

Reason: To protect human health and to ensure that no future investigation is required under Part 2A of the Environmental Protection Act 1990. To comply with Policy NE11 of the Local Plan.

10. No demolition/development shall take place/commence until an Archaeological Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of archaeological significance and research questions; and:
1. The programme and methodology of site investigation and recording
 2. The programme and methodology of site investigation and recording as suggested by the evaluation
 3. The programme for post investigation assessment
 4. Provision to be made for analysis of the site investigation and recording
 5. Provision to be made for publication and dissemination of the analysis and records of the site investigation
 6. Provision to be made for archive deposition of the analysis and records of the site investigation
 7. Nomination of a competent person or persons/organisation to undertake the works set out within the Archaeological Written Scheme of Investigation.

Reason: In the interests of archaeology. To comply with Policy HE4 of the Local Plan.

11. The demolition/development shall take place/commence in accordance with the programme of archaeological works set out in the Written Scheme of Investigation approved under condition 10.

Reason: In the interests of archaeology. To comply with Policy HE4 of the Local Plan.

12. The development shall not be occupied/used until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 10 and the provision made for analysis and publication where appropriate.

Reason: In the interests of archaeology. To comply with Policy HE4 of the Local Plan.

13. Prior to the commencement of the approved development, a Landscape and Ecological Management Plan (LEMP) shall be submitted to the Local Planning Authority demonstrating a biodiversity net gain within the site. The Plan if approved shall then be implemented prior to occupation of the development, and the approved measures shall remain unless otherwise agreed in writing with the Local Planning Authority.

The content of the LEMP shall include the following:

- a) Demonstrating a biodiversity net gain within the site
- b) The matters raised in the letter from Herts Ecology dated 13/09/22 relating to tree replacement, and the Recommendations and Enhancements set out in section 5 of the Preliminary Ecological Assessment (date July 2022).

The approved plan shall be implemented in accordance with the approved details.

Reason: To ensure biodiversity net gain and to comply with Policy NE4 of the Local Plan.

Proactive Statement

Planning permission has been granted for this proposal. The Council acted proactively through positive engagement with the applicant at the pre-application stage and during the determination process which led to improvements to the scheme. The Council has therefore acted proactively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.